

COOPER FULLY SUSTAINED

Brown After Cooper Lower House Vindicated Busy.

Says the Chairman Cannot Speak English.

THE Senators are in training, now and apparently sparring for time. Senator Carter is still laid up for repairs but it is hoped that he will be in his chair before White and Brown come to practical hostilities. Inkstands are rather expensive and should not be used as missiles.

The Senators were good-humored this morning and if they had only adjourned before they met there would have been no special row. As it was, a general row occurred to the detriment of the members of the "lower" House who had come over to take in the Senatorial circus.

The old bill relating to the pay of the solons was of course the bone of contention, but most of the time was wasted on act 35, "relating to the appointment of bailiffs for certain courts in the Territory of Hawaii and defining the duties and powers of such bailiffs and fixing the amount of their compensation and providing for the payment of such compensation."

The bill may be of great importance, but it was hardly expected that it should be the cause of a long and heated debate.

Senator Cecil Brown wanted a written report on the bill. He said that since 1876 he had been in the Legislature and he had never heard so many verbal reports as were offered in this assembly. The honorable gentleman suggested that the august body was like a flock of sheep following the bell of the "wether," and he didn't care to have his picture in the Advertiser cartoons illustrating him as saying "Bah!"

At this critical moment Mr. White got the floor and said he was astonished. What had surprised the honorable gentleman from Lahaina was never learned, because Achi got his ear in and in a few minutes Cecil Brown, Russell, White, Kanuha, Achi and a few others were on their feet and doing a big bunch of talking.

"Kekela," as they call Cecil Brown, claimed that the political medicine man in the chair could neither speak nor understand the English language as attested by saying something like this: "Meester Brownnowski, I speakeraki ze Englees very intelligently."

That settled poor Cecil and the bill passed by a vote of 9 to 5. The bill relating to the expenditures of the Legislature, which has caused so much vexation on account of the spelling of the word "forty" has been buried and instead a joint resolution has passed both houses and the "boys" can get the dough tomorrow if the Governor will attach his signature to it. The resolution reads:

A joint resolution to appropriate money to defray the expenses of the session of the Legislature of the Territory of Hawaii for the session commencing February 20, 1901:

Be it resolved by the Legislature of the Territory of Hawaii, That there is hereby appropriated out of any funds in the Treasury of the Territory of Hawaii, the sum of forty-five thousand dollars (\$45,000) for the purpose of defraying the expenses of the session of the Legislature of the Territory of Hawaii, commencing February 20, 1901. Said sum of \$45,000 shall be immediately available upon the passage and approval of the resolution.

WM. WHITE, Honolulu, T. H., March 21, 1901.

Reports from committees were introduced as follows:

We find that bill 34 requires that every instrument in order to be recorded must have an affidavit attached, sworn to by the party or parties executing the same.

1. That the consideration in the body of the document is the only amount to be paid for the same.

2. Where the consideration is nominal, an affidavit must be attached stating the full value.

Your committee fail to see any good that will be accomplished by this law. Where considerations are nominal we find the Registrar often requires the parties to take oath as to the true value before the instrument is recorded.

If for taxation, the value can easily be got by the adjoining properties.

We consider that it will only make documents more complicated by attaching an affidavit to each one, and therefore recommend the bill be laid on the table.

J. T. BROWN.

J. D. PARIS.

L. NAKAPAAHU.

"We have carefully considered bill 35, which provides for typewriting machines in the Registry office.

While it would expedite the work of the office in some ways and perhaps reduce the number of clerks, still the records would have to be taken on separate folios until ready to be bound into a book, and we doubt if the records would be as safe as where these are immediately copied into the records, according to the present system. We therefore recommend that the bill be laid on the table.

J. T. BROWN.

J. D. PARIS.

L. NAKAPAAHU.

The following bill was then sprung on the Senate and the Senators looked pale. Kalauchuan's spectacles trembled on his nose as if he had been charged with traveling his neighbor's cattle, but the brave body stood the first reading of the bill, which goes as follows:

An Act to create a Court of Claims to hear and determine all claims which may be prosecuted under the provisions of this Act for injury to or loss of property, real, personal or mixed, caused by the Board of Health, or any officer or officers or employees of the

Of the news which arrived by the America Maru that which excited the most interest in town was a dispatch from Washington wherein the Secretary of the Interior upheld Secretary of the Territory Cooper in his controversy with the House of Representatives of the Hawaiian Legislature. When the news reached the Capitol a broad smile was worn by the heads of the Departments, but it produced consternation in the ranks of the native legislators who were instrumental in having Mr. Cooper ejected from the floor at the commencement of the Legislative session. The telegram, which was dated at Washington March 11, follows:

"Secretary Hitchcock has called for a report on the recent election of the Territorial Secretary from the floor of the Legislature. In response to a request for a construction of the laws imposing the duties of the Territorial Secretary, the Interior Department has replied by pointing out the statute provision and saying that the method of recording the legislative proceedings unless specifically stated in existing laws, must be determined by the Territorial authorities."

It was understood also that Governor Dole received in his mail letters from the Interior Department possibly bearing upon the election of Mr. Cooper. The Governor was sought last evening at his residence and asked whether he had received such advice. The Governor replied that he had not been at his office during the afternoon and had, therefore, no knowledge of the contents of his letters. The only information he had was from the newspaper dispatch from Washington. Asked as to whether he believed the Interior Department had sustained Mr. Cooper, he replied that he had no reason to believe otherwise.

It is stated that the members of the House were prepared to launch several resolutions against the Governor and his heads of departments, but these suddenly disappeared from view, and when the news was heard, there is little likelihood of their being resurrected. For the past day or two the House has been completely called by the Governor and the heads of departments for this and that document, and has generally made a fool of itself. Perhaps it will know better hereafter.

Republic of Hawaii, whether with or without authority of law, either directly or indirectly, intentionally or accidentally, in connection with the suppression of the alleged bubonic plague in Honolulu and elsewhere in the Territory of Hawaii; and to provide for appointment of the officers of said Court, and the claims so heard and determined, the salaries of the officers of said Court, and the expenses thereof.

A general discussion took place, White wanting to adjourn, Achi wanting to talk and Senator Brown of Hilo not to be awakened. This was the afternoon's work.

1. Senate Bill 35, relating to Court of Claims, referred to Committee on Claims.

2. Senate Bill 42, relating to sale of liquor, opium, etc. (dispensary bill), referred to Committee on Intoxicants.

3. Senate Bill 43, relating to vaccination, referred to Committee on Public Health.

4. Senate Bill 44, repealing Act 19 of the Session Laws of 1898, referred to the Judiciary Committee.

5. Senate Bill 45, relating to the limitation of time within which action may be brought to recover possession of land, referred to the Judiciary Committee.

6. Second reading of Senate Bill 46, repealing section 1553 of the Civil Laws, referred to the Judiciary Committee.

7. Second reading of Senate Bill 49, repealing Part III of section 3 of the Civil Laws, referred to the Judiciary Committee.

8. Second reading of Senate Bill 50.

At the Governor's Council, yesterday morning Governor Dole called the matter of sending an exhibition to the Pan-American Exposition. He said that the question arose at a time when nothing could be done, because the time of receiving the invitation was during the plague in this City and heavy drafts were being made on the Treasury for that purpose, so that no appropriations could be made for an official exhibit.

The removal of several thousand Kaffirs from the city to the Kaffir location will begin tomorrow.

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GOVERNOR'S COUNCIL.

Gillfillan Wants to Reduce All Salaries.

A. S. H. WAS HEARD.

AT YESTERDAY morning's session of the House the following bills were introduced and passed first reading:

House bill No. 62, by Ewaliko, entitled, "An act to repeal section 815 of the Civil Laws of 1897 relating to dog tax."

House bill No. 64, by Ewaliko, entitled, "An act to amend section 816 of the Civil Laws of 1897 relating to dog tax."

Dickey's bill for fixing salaries of the Treasurer, Attorney General and Superintendent of Public Works at \$4,000 in each case was killed because the House did not think it wise to fix any salaries until all were fixed. Monsarrat objected to fixing any salary by a bill. He thought the only proper way was by an appropriation bill. Gillfillan thought it was only taking a nibble at a big cheese and that all salaries should be reduced. This remark brought out several expressions of "Pololei" from all over the House.

Mr. Emmelhut requested information relating to the Fall road contract from the Superintendent of Public Works.

Mr. Kellioka introduced a resolution for an appropriation for roads in North Kona, Hawaii. Referred to the committee on public lands and internal improvements.

Mr. Prendergast presented a resolution which read:

"That all communications received by the House of Representatives during this present session of the Legislature from the Honorable Governor of the Territory, other than the Governor's message, be spread upon the Journal of the House forthwith, and that all communications which may at any time in the future be received from the Honorable Governor be spread, immediately upon the receipt thereof, by the House, upon the Journal of the House, and that all communications received during this present session of the Legislature from the Honorable Secretary of the Territory be spread upon the Journal of the House, and that all communications received from the Honorable Secretary of the Territory be spread, immediately upon the receipt thereof, by the House, upon the Journal of the House."

The resolution was adopted. Beckley introduced his bill No. 65, entitled "An Act Creating the Office of the Transportation Commissioner, Fixing His Salary and Defining His Duties and Penalties for Violation Thereof and Repealing All Laws in Conflict Herewith." The bill passed first reading.

Notice was given of the following bills: By Ewaliko, for an Act to Permit Any Person to Treat Leprosy Without License.

By Dickey, for an Act to Extend the Fire Limits of Honolulu.

The Committee on Public Lands and Internal Improvements made three reports:

On Petition No. 18, relating to macadamizing Iwili street.

On Petition No. 17, relating to the macadamizing of Liliha street between Wyand and Puulani roads, they recommended an appropriation for both purposes. Pukui was taken up with appropriation bill; also recommending an appropriation for a court house and jail at East Kau, and for enlarging Waiohine court house, Kau, Hawaii. The report was adopted.

The Speaker yesterday brought from his house a copy of his letter to the Governor and explained to the House that two resolutions were on his desk to be enclosed to the Governor, but by some oversight one of them did not go. The two were the original Land Commissioner Brown resolution, which his private secretary had returned to the Committee on Public Lands as "not in shape to be considered," and the Gillfillan resolution, asking whether the resolution was not in shape. A new letter was sent to the Governor yesterday with copies of both resolutions.

Beckley was not satisfied with Superintendent McGuffee's answers to his questions about the land and the matter was referred to the Public Lands Committee with full powers to investigate. Mr. Hoogs suggested that Hugh Howell, who was the target of Mr. Beckley's interrogatories, was in town and would be willing to go before the committee and tell all about the contract.

The stormy adjournment of Wednesday was succeeded by "an exceedingly calm" when the cause of the agitation, Senator Brown's fiscal period bill, came up under the order of business yesterday. Pukui was on hand first thing after roll call with a motion to take the matter up, but subsided at the Speaker's suggestion that he could bring it up under the head of communications from the Senate. The rules were suspended at that point and the close vote of 14-12 of Wednesday, by which the bill was saved, was changed to 20 for rejection and 6 for allowing the bill to take its course. Kellik voted with the Independents for rejection, but the balance of the Republicans voted for the bill. Emmelhut favored it but evidently did not want to vote against his caucus and was excused except he did not understand the question, and Emmelhut stated that was exactly his reason for asking to be excused. Robertson (Rep.) and Kanoho (Ind.) were absent.

Mossman dropped his political prisoner of 1895 resolution which Secretary Cooper had returned as disconcerting, and the matter was laid upon the table.

Robertson's bill to make the criminal practice conform to the Grand Jury system has had a hard time. It has been on the calendar for third reading for over a week, but one thing or another has kept it back. Today Robertson was not there, and it went over to await his return.

AFTERNOON SESSION.

On reconvening at 2 p. m., Mr. Beckley moved to suspend the rules in order to consider communications from the Senate. The Senate sent down two communications, the first being Senator Graham's bill, A. H. Linton fraud bill, passed first reading. The other was submitted as a joint resolution of the famous House Bill 1.

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pukia. This bill appropriating \$45,000 for the expenses of this session, had been decorously buried in committee in the Senate and a Joint Resolution introduced to accomplish the same purpose. This reached this House at 5, and before 2 the House messenger was hustling up the Senate stairs with a hopeful look and before the Senate adjourned the joint resolution had been ordered dressed up in its best clothes to make an official visit to the Executive Chamber.

Beckley moved to adjourn, but allowed the Committee on Finance to report back a petition relating to reducing salaries of Government officials. Consideration postponed, to be taken up with the appropriation bill.

Beckley again allowed Prendergast to give notice of his intention to introduce "An Act to Provide for a Right of Action for Damages for Wrongful Death."

Beckley then took a hand and introduced House Bill 66, entitled "An Act Repealing Act 99 of 1899, also Chapter LXII of the Session Laws and Regulations Inconsistent Herewith." The bill passed first reading. Beckley followed it right up with a third motion to adjourn, which carried.

A. S. H. WAS HEARD.

A. S. Humphreys, judge of the First Circuit Court, yesterday had an opportunity to judge of the feelings of the many citizens who have sat before his own tribunal in humble supplication for justice.

In pursuance of the summons served on His Honor on Tuesday, Judge Humphreys appeared yesterday morning before the Supreme Court to show cause why the writ of mandamus prayed for by petitioners, commanding that he remain his order that the jury fees of petitioners be forfeited, should not be issued.

The tribunal where the judge is accustomed to sit was occupied by the three Chief Justices, and like those who have so often trembled before him, Judge Humphreys took the humble seat below.

The defense, as indicated by the demurrer theretofore filed, was made upon the allegation that the petitioners were improperly proceeding and not acting in the accustomed process of the law in appealing to the higher court; his attorney, A. S. Hartwell, suggested that the grievance of the jurors should have been aired before the lower court, whence it originated, and perhaps redress might have been made. To this suggestion a delicate intimation that the jurors followed such a course they might have received, instead of redress, a weighty sentence, and for contempt of court, was made by the attorneys for the petitioners, Andrews, Peters and Andrade.

The argument occupied nearly the entire day. It was taken under consideration by the Supreme Court late in the afternoon.

PROBATE CASES.

The last will and testament of William A. Henshall, under date of February 15, 1900, was filed yesterday, together with the petition of Helen G. Henshall, wife of the deceased, for probate of will. Petitioner is the sole legatee named in the will and is also therein named as executor without bonds.

Together with her petition for probate of will, the petitioner filed schedules showing the assets and liabilities of the deceased at the time of his death. The sum total of assets is given as \$10,355. As total of liabilities, a note and mortgage to M. Louissou is named, for the sum of \$5,500.

The hearing of the petition was set for Monday, April 2.

The assets named in the schedule are in cash, stock in various sugar companies and in the Oahu Publishing Company and in personal effects.

Upon petition of Albina F. Madeira, the will of F. F. Madeira was yesterday admitted to probate and it was ordered in accordance with the petition of Albina F. Madeira, who is the sole legatee named in the will, that J. F. Rose be appointed administrator of said estate, and that letters of administration, with the will annexed, be issued to him upon filing an approved bond of \$1,000, inventory to be filed within thirty days and published in the Oahu Publishing Company to be made at once in the usual way. Bond in the required sum was filed later, with J. A. M. Osorio as surety and letters of administration issued as directed.

Upon the filing of a bond in the sum of \$1,000, J. C. Silva was yesterday appointed administrator of the estate of M. G. Garrido, deceased, and letters of administration were issued to him. John M. Vivas is named as surety in the bond.

INCORPORATIONS.

An amendment to the Haiku Sugar Company's charter was filed yesterday on behalf of the company by Attorney W. O. Smith.

GUARDIANSHIP.

A bond in the sum of \$50, with J. Alfred Maguire as surety, was filed yesterday by G. A. Thompson, as guardian of James Roberts, a minor, the same being approved by the Judge of the First Circuit Court. An order of appointment to guardianship and letters of administration were issued later.

A supplementary account in the estate of J. K. Kahookano was yesterday filed by the Hawaiian Trust and Investment Company, Limited, administrator of said estate, charging itself with the sum of \$157.71 and asking to be allowed the sum of \$5.

Return of summons to appear was made yesterday in the cases of Paulo Lona vs. Julia Achieu, Kapilani Estate vs. G. Schuman, and the Territory Estates Company, Limited, and Ket On Fui Kong Society vs. Gnau Chong.

SUPREME COURT.

The following are the list of cases heard by the Supreme Court since last report:

N. S. Sachs Dry Goods Company vs. J. S. Soper et al.; submitted on briefs.

Hawaii Land Company vs. Nettie L. Scott; submitted on briefs.

Leahou et al. vs. N. Ewaliko; struck off the calendar.

C. M. Le Blond vs. Solomon Konai; argued and submitted.

Robert Gillespie vs. Robert McBryde; argued and submitted.

Henry J. Lyman vs. Hilo Publishing Company; argued and submitted.

Tung Chong Chan vs. New Zealand Insurance Company; struck off calendar.

W. vs. A. A. Honolulu; argued.